

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 15

February 26, 1997, 11:01 am
Page S-1605 Temp. Record

BALANCED BUDGET AMENDMENT/Substitute (Social Security, Waivers)

SUBJECT: **Balanced Budget Constitutional Amendment . . . S. J. Res. 1. Hatch motion to table the Feinstein amendment No. 11.**

ACTION: MOTION TO TABLE AGREED TO, 67-33

SYNOPSIS: As reported, S. J. Res. 1, the Balanced Budget Constitutional Amendment: will require a three-fifths majority vote of both Houses of Congress to deficit spend or to increase the public debt limit; will require the President's annual proposed budget submission to be in balance; and will require a majority of the whole number of each House to approve any bill to increase revenue. Congress will be allowed to waive these requirements for any fiscal year in which a declaration of war is in effect. Congress will enforce and implement this amendment by appropriate legislation. The amendment will take effect in fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later. The States will have 7 years to ratify the amendment. For related debate, see 103rd Congress, second session, vote Nos. 47-48, 104th Congress, first session, vote Nos. 62-63 and 65-98, and 104th Congress, second session, vote No. 158.

The Feinstein substitute amendment would make the following changes: section 2 would be modified to require votes of only a majority of the whole number of each House to raise the debt limit instead of a three-fifths majority of each House; Congress would be allowed to waive this article to the Constitution if a majority of the whole number of each House passed a joint resolution that became law claiming that the United States was experiencing a national economic emergency or major natural disaster; effective 1 year after the effective date of this article, the receipts (including attributable interest) and outlays of Social Security (as constituted or "as modified to preserve" its trust funds) used to provide old age, survivors, and disabilities benefits would be ignored for purposes of complying with this article; and nothing in this article would preclude the authority to enact and to implement a separate capital budget for those "major capital improvements" which "required" deficit spending, and deficits from such a capital budget would be ignored for purposes of complying with this article.

Debate was limited by unanimous consent.

(See other side)

YEAS (67)			NAYS (33)		NOT VOTING (0)	
Republicans (55 or 100%)	Democrats (12 or 27%)		Republicans (0 or 0%)	Democrats (33 or 73%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Baucus	Akaka	Inouye		
Allard	Hutchison	Bryan	Biden	Johnson		
Ashcroft	Inhofe	Byrd	Bingaman	Kennedy		
Bennett	Jeffords	Dodd	Boxer	Kerry		
Bond	Kempthorne	Graham	Breaux	Kohl		
Brownback	Kyl	Kerrey	Bumpers	Landrieu		
Burns	Lott	Moseley-Braun	Cleland	Lautenberg		
Campbell	Lugar	Murray	Conrad	Leahy		
Chafee	Mack	Reid	Daschle	Levin		
Coats	McCain	Robb	Dorgan	Lieberman		
Cochran	McConnell	Rockefeller	Durbin	Mikulski		
Collins	Murkowski	Wyden	Feingold	Moynihan		
Coverdell	Nickles		Feinstein	Reed		
Craig	Roberts		Ford	Sarbanes		
D'Amato	Roth		Glenn	Torricelli		
DeWine	Santorum		Harkin	Wellstone		
Domenici	Sessions		Hollings			
Enzi	Shelby					
Faircloth	Smith, Bob					
Frist	Smith, Gordon					
Gorton	Snowe					
Gramm	Specter					
Grams	Stevens					
Grassley	Thomas					
Gregg	Thompson					
Hagel	Thurmond					
Hatch	Warner					
Helms						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Following debate, Senator Hatch moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

The Feinstein amendment would blow five gaping holes into the Balanced Budget Amendment. By themselves, each one of those holes should give every Senator reason enough to reject the amendment. First, the Feinstein would allow Congress to raise the debt limit by majority votes of the whole number of each House instead of by three-fifths majority votes. That three-fifths majority vote requirement is the honesty linchpin of this constitutional amendment. Senators will do their utmost to prepare honest estimates and to adjust spending during a year to keep the budget balanced rather than to run up against a hard-and-fast debt ceiling that is difficult to raise. The Feinstein amendment would make it so much easier to raise the debt limit that the result would be only a marginal improvement over current law. Second, the Feinstein amendment would add the text of the Reid amendment (see vote No. 14) with one minor change. Given how destructive that amendment would have been, we are obviously not going to be any more inclined to support its language now that it has been incorporated in the Feinstein amendment along with 4 other offensive changes. The minor change that would be made by the Feinstein amendment is that it would delay the effective date for the Reid amendment by 1 year; the only practical effect of that change would be that it would give political cover to President Clinton because his gimmick budgets would still be able to claim balance in 2002 without making additional savings. Third, the Feinstein amendment would provide a waiver of the constitutional amendment if a majority of the whole number of each House approved a bill that became law that claimed that there was a "major natural disaster." What exactly is a major natural disaster? No definition exists. Under the terms of this amendment, though, if Congress said that a major natural disaster had occurred, then the Balanced Budget Act would be waived. Fourth, and relatedly, the amendment would provide a waiver of the constitutional amendment if a majority of the whole number of each House approved a bill that became law that claimed that there was an "economic emergency." An "economic emergency" is every bit as nebulous a term, if not more so, as a "major natural disaster." We well remember the start of the President's first term when he was insisting on deficit-spending for "emergency" spending for swimming pools, bicycle paths, and similar porkbarrel projects as part of his "stimulus" proposal. Fifth, and finally, the Feinstein amendment would carve out a special exemption for capital expenses. Unlimited deficit spending would be possible on anything called a capital expense. As soon as Members found out that calling something a "capital expenditure" would allow unlimited deficit spending, the definition of "capital expenditure" would greatly expand. Under the Feinstein amendment, it would not take very long for virtually all of the Federal budget to be called either a "Social Security" or a "capital" expense. The amendment's sponsor assumes that the definition of capital expenditure would be limited to large tangible projects, but that is quite a weak assumption, especially given that many politicians are already trying to expand the "capital" label. For instance, President Clinton's latest budget submission lists social investment as a capital expenditure. The Feinstein amendment is just yet another in a series of amendments that have been presented to make the balanced budget amendment ineffectual by carving out ways to deficit spend. Its only distinguishing feature is that rather than present just one loophole, it has presented five. We urge its rejection.

Those opposing the motion to table contended:

The Feinstein substitute amendment would add needed flexibility by making five basic changes to the pending proposal. First, it would exempt Social Security from budget calculations. The language is the same as the language that was proposed in the Reid amendment, with one key difference: the effective date would be delayed by 1 year. During the debate on that amendment, the argument was raised that taking Social Security off-budget by 2002 would require additional savings so great as to make the exercise politically impossible. We disagreed; still, the point had some validity, so in this amendment we extended by 1 year the time that Congress and the President would have to wean the budget from Social Security surpluses. The next two changes that would be made by the Feinstein amendment would be to make it easier to deficit spend in response to major natural disasters or to economic emergencies. Our colleagues are upset that the amendment does not contain definitions for these terms. Most words in the Constitution are not precisely defined, yet they have been followed for 200 years. Fealty to the Constitution would prevent the playing of definition games. The fourth change that would be made by the Feinstein amendment would be to make it easier to raise the debt limit. Congress has had to raise the debt limit several times in recent years, and on each of those occasions it did so by less than the three-fifths requirement that is in this constitutional amendment. A three-fifths vote requirement is not a high bar; it is an impossible bar. The Feinstein amendment would lower the bar. The final improvement that would be made by this amendment would be to allow the creation of a capital budget so that capital items could be paid for over their useful lives. Just as a family pays off a house mortgage over 30 years instead of paying for the house up front, it makes sense for the United States to have a capital budget for its building, road, and similar projects. Our colleagues again claim that Senators would play games with the definition of "capital"; again, we say their fealty to the Constitution would prevent such behavior. The Feinstein amendment presents a fair, workable solution. We oppose the motion to table it.